

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, May 15, 2012
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Charles Doke, David Kestner, Glen Demers, Cindy Snowdon

Selectmen's Representative: Charlie King

Town Staff Present: Director of Planning and Community Development Kathy Menici,
Department Secretary Bette Anne Gallagher

Public Present: Neil Johnson, Daniel E. Ayer, Gary Strzepek, Jim Horgan, Kelly Fitzpatrick, Steve Edwards, Joan Funk, Randy Tetreault, Chris Berry

At 6:03 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**
- **Review and approve Meeting Minutes of May 1, 2012**

Charlie King motioned to approve the minutes of May 1, 2012 as amended; 2nd Charles Doke. Motion carried with four in favor and two abstaining.

- **Review of report from FST on Richard's Way**

Planner Menici stated that the report before the Board was received by email on May 14th and provided tonight to the members so they can review and decide if they want Kevin Gagne at the June 5th workshop meeting. Charlie King thought it could be handled at the end of this meeting but the other members felt it would be better to wait until June 5th.

The Planner said the report deals with the elevation issue, the evaluation of the surety estimate and commented that the technical issues are pretty significant. It was decided that the Planner would poll the Board at the end of the week for input on whether Mr. Gagne should be asked to attend the June 5th meeting and she would also check with Mr. Gagne for his availability. Chairman Parker thought that the Board had set June 1st as the date on which lots could be offered for sale and asked that during a break the minutes of April 17th be checked.

Charles Doke motioned that this discussion be continued until the end of the meeting; 2nd David Kestner. Motion carried with all in favor.

- **Any other business to come before the Board**

Cathy Natale – 576 Ten Rod Road

Planner Menici explained that the Board had approved the Site Plan Review for Cathy Natale for a small convenience store on the property where her residence is located. Subsequently, the owner had some concerns

and came back for Amended Site Plan Review which the Board also approved. When the site work was started the contractor immediately ran into ledge where the proposed culvert was to be located. Michael Sievert, MJS Engineering, suggested relocating the culvert so that it crosses the entrance drive closer to the proposed store. To do this, Mr. Sievert would also need to reconfigure the proposed drainage swale. Additionally, it would no longer be necessary to remove a tree in the right of way. DPW Director Hazelton submitted a memo stating he does not have any concerns about the revisions.

The Planner said that Mr. Sievert is asking the Board whether Amended Site Plan Review will be necessary or if they will accept as-built plans for the changes.

The Board came to a consensus that as-built plans will be sufficient.

Community Planning Grant

The Planner explained that New Hampshire Housing and Finance Authority has received a \$1,000,000 grant from the US Department of Housing and Urban Development from which grants will be awarded to municipalities for planning related activities. Obtaining this type of grant would be a benefit to the Town and the Board of Selectmen, at their May 14th meeting, authorized the Planner to proceed with the application.

There will be two (2) application rounds. The first round has a submission deadline of June 15, 2012. The date for the second round has not been established as of yet, but an early 2013 application deadline is anticipated. Municipalities receiving funds for a regulatory review in Round 1 will have priority status for funding of a subsequent project in Round 2. The regulatory review would include recommendations for amendments to the Master Plan and/or Zoning Ordinance to eliminate conflicts between the two documents and to add language to support other program goals.

Planner Menici said the Board would need to make a motion authorizing the regulatory review as a 2012 work item in order for her to proceed with the application.

Chairman Parker asked about funding for the review. The Planner explained that a maximum grant of \$10,000 would be available for the review. A consultant would be hired to complete the necessary study and analysis and she has verified that this amount would be sufficient for the work required. This is a matching funds program and the match can be a combination of cash and in-kind contributions. Program guidelines require a 25% match, or \$2,500. By utilizing staff and volunteer time the Town could reduce the necessary cash match to as little as \$625.

Understanding that there is no guarantee the grant money will be awarded to Farmington, the Board authorized making application as the program fits into the Board's 2012 goals.

David Kestner motioned to authorize Planner Menici to submit application for NHHFA grant money for a regulatory review and if awarded to schedule the study for 2012; 2nd Glen Demers. Motion carried with all in favor.

Application for Site Plan Review by: Index Packaging, Bruce Lander agent, for property owned by New Hampshire Custodial Trust (Tax Map R31 Lot 34): To allow 60,000 sq. ft. of warehouse storage space in an existing structure. The parcel is located at 56 Davidson Road in the Industrial Business (IB) Zoning District. The application is continued from the April 12, 2012, Minor Site Plan Review Committee meeting.

The applicant withdrew his application based upon another party having a Purchase and Sale Agreement on the building.

Application for Amended Site Plan Review by: Kelly's Country Store LLC, for property owned by Farmington Strafford Inc. (Tax Map R49 Lot 003): To allow the partial conversion of previously approved retail space to restaurant seating for up to 16 persons. The parcel is located at 1067 NH Route 11 in the Commercial Business (CB) Zoning District.

Randy Tetreault, Norway Plans Associates, spoke as agent for the septic portion of the discussion and said Mr. Edwards would address the rest of the application.

Mr. Tetreault said he has a lot of history with this site dating back to the late 1980's or early 1990's. This application is to amend the 2009 site plan review approval to allow a 16-seat restaurant versus carry out. As part of the application he provided calculations regarding loading on the septic system.

Mr. Tetreault said although the septic is maxed out at this point according to State regulations, the number of seats can be increased if the applicant can prove lower usage in accordance with State regulations. This could be accomplished by using flow meters to show a six month history during peak periods or by obtaining comps for water usage from other similar businesses in Farmington using municipal water.

In response to a question, Mr. Tetreault said there is ample room for two vehicles to pass where the three additional parking spots are indicated. He said the spots are not striped at this point, just designated.

The Board discussed parking for the site in total as well as traffic patterns for delivery trucks. Mr. Tetreault said the established pattern for delivery trucks does not come anywhere near the three newly designated spots. David Kestner expressed concern over parking at peak times and said there is a potential for conflict with Inn parking for vehicles heading north (west) on Route 11.

Planner Menici said she had no concerns regarding parking and felt there was no need to delineate parking for the residence. However, there were issues from Code Enforcement and the Fire Chief that should be addressed.

Signage was briefly discussed. CEO Roseberry had documented that there is excess signage as well as signs which flash. The Board directed Mr. Edwards to work with the CEO to resolve all the issues surrounding signage and Charlie King suggested this be a condition of approval.

A maximum of 16 seats for the restaurant has been approved by the State although the applicant presently has seating for 24. Mr. Edwards said there are never 16 guests seated at one time and his surveillance camera can prove that and he is looking for leniency in this regard so the 24 seats may be kept. It was explained to Mr. Edwards that the Town cannot waive a State requirement. Some suggestions were made as to type of seating and configuration.

It was brought up that according to the State, his food license had lapsed on April 27, 2012 and the State had not received renewal paperwork. Mr. Edwards said he had taken care of that as of May 14th when he filed for his renewal.

Planner Menici informed that Board that the Fire Chief had not been contacted for an assembly permit. After taking measurements and using NFPA calculations Fire Chief Fowler has said that standards would allow up to

20 seats, but because of State requirements the Fire Department will allow 16 seats. Mr. Edwards must apply for the assembly permit and furnish proof of annual Fire Protection System inspections. It was suggested this be a condition of approval.

Chairman Parker opened the hearing to the public.

Joan Funk asked if the State determination was for 16 people or 16 seats. Planner Menici said the State uses seats. Mrs. Funk said that is a hindrance to small business. She also said in her opinion conflicting information regarding signage has been given to the applicant and that is upsetting.

Charlie King said that CEO Roseberry has been given the responsibility to interpret and enforce the Town's signage requirements. He also said that any issues in this regard between Mr. Edwards and the CEO should be resolved between them.

Joan Funk returned to the 16 seat limitation and asked if the applicant should turn people away? Randy Tetreault replied that the State designates seats because they can control that and although the State requirements are stringent, the applicant must abide by them. He reiterated that the applicant can seek an amended approval from the State if he can provide proof of lower water usage by using flow meters to show a six month history during peak periods or by obtaining comps for municipal water usage from other similar businesses in Farmington.

Charles Doke asked the applicant how long he had been open. Mr. Edwards said he opened June 6, 2011. Mr. Doke then asked why he had not applied for amended site plan review prior to now. Mr. Edwards said he didn't know he was required to do so. Chairman Parker said when any changes are being considered, Planner Menici should be contacted for guidance.

There were no further public comments and Chairman Parker closed the hearing to the public.

Charlie King motioned to approve the Amended Site Plan Review for Kelly's Country Store LLC, to allow the partial conversion of previously approved retail space to restaurant seating for up to 16 persons with the following conditions:

- 1. applicant to come into compliance on signage with resolution to be worked out with CEO Roseberry;***
- 2. seating must come into compliance with the requirements of NH Division of Public Health Services Food Protection Section for a maximum of 16 seats;***
- 3. progress of renewal of the NH Food Service License to be monitored by CEO Roseberry who will report back to the Board;***
- 4. proof of annual fire safety inspections to be provided to Chief Fowler;***

2nd Glen Demers

Friendly amendments were made by David Kestner for an assembly permit and by Chairman Parker for biannual inspections by the CEO. Charlie King suggested annual inspections. Incorporation of prior approval was recommended together with all local, state and federal regulations.

- 5. assembly permit to be obtained from Farmington Fire Department;***
- 6. annual inspections by CEO Roseberry;***
- 7. all conditions on the January 7, 2009 Notice of Decision are incorporated by reference into this Amended Site Plan Approval***

8. all applicable local, state and federal regulations must be met.

Charlie King and Glen Demers accepted all friendly amendments. Motion carried with all in favor.

At 7:45 pm Charlie King motioned for a 5 minute recess; 2nd Charles Doke. Motion carried with all in favor. Meeting reconvened at 7:57 pm.

Application for Amended Site Plan Review by: Winnisquam Woodworking, for property owned by Stickney Granite LLC (Tax Map R32 Lot 22-6): To allow the construction of a second building with related utilities and a reduced parking requirement. The proposed structure will be 7,800 sq. ft. and will be utilized for full service countertop fabrication.

Chris Berry, as agent, presented the application starting with a review of the plan set and mentioning that his firm was the design engineer for the Sarah Greenfield project. He said Ron Howard, the original owner, was approved for a 5,000 square foot building to run a similar wholesale granite business. He added that there were conditions not met under the original approval such as paved parking that have nothing to do with this application.

The applicant is seeking approval to develop a 7,800 square foot building adjacent to the present building to house his woodworking business currently operating in Tilton. Mr. Berry said they are proposing 34 parking spaces with a waiver. They have tried to address the concerns of the DPW Director and are willing to comply with the outstanding issues. He said the original development did not have a drainage plan but due to the expanded footprint they are proposing to capture and reinfiltrate water runoff by use of a rain garden which is a low impact device. Two oversized dry wells (one in front and one in rear) will be used for roof runoff.

Chris Berry said he has calculated the required parking spaces at 44 based upon square footage without the retail space. However Planner Menici calculates the required spaces at 46. Mr. Berry said he is proposing 34 spaces based upon his client's needs. (Employee parking is projected as 27, company vehicles as 4, retail space as 1, plus ADA parking.)

Mr. Berry said he is also seeking a waiver to reduce the size of the parking spaces from 10 feet wide to 9 feet wide to achieve 34 parking spaces.

Chairman Parker asked the Planner to address any concerns.

Planner Menici said the Town is sponsoring the CDBG application and one of the items the applicant must provide for that application is a narrative describing job creation and retention. Mr. Berry's description does not match the applicant's regarding how many employees and the time frame for expansion. Also, on the applicant's website he lists the number of employees in Tilton as 27. Owner/applicant Gary Strzepek said the website is incorrect and has not been updated in 6 years. He said that 14 jobs will be retained from Tilton to Farmington and he expects to add 10 positions in the next 2 years: 7 in the 2nd year and 3 in the 3rd year. At that time the total will be 24 employees. The Planner said the number of company vehicles has decreased to 4 from the original 5 to 6 vehicles presented to her.

Planner Menici said she is trying to ascertain an exact number so there is an accurate depiction of the applicant's parking needs. She said it is vital to avoid a situation where employees and others are parking in greenspace or on the side of the road.

Mr. Strzepek asked to comment. He said there are 4 company vehicles, and 14 to 16 retained employees (he is using 16) plus 5 new employees projected for the first year for a total of 21. He commented that the final 5 new employees will be difficult because a lot more work will be needed to justify the positions and stated that CDBG won't hold the economy against him.

The Planner said as presented the spaces total 33 and are detailed as follows:

- 4 company owned vehicles
- 16 retained employees
- 10 added employees
- 2 ADA spaces based upon square footage
- 1 for small retail area

Planner Menici said Town regulations require 46 spaces but she is comfortable with the 34 proposed.

Charlie King asked what the applicant's "Plan B" would be if everything goes well and 10 additional spaces are needed. He added that he is not in favor of reducing the width to 9 feet because the parking is perpendicular. Mr. King said in order to grant the parking waiver there should be a designated area on the plan to provide for future parking.

It was discussed that access to the future parking area could be along the side of the new building or a new access could be created but for now only the area designated for future parking would need to be shown.

The Board moved on to the Fire Department's request for 360 degree access to the proposed structure. Mr. Berry said access to the rear of the building has not been provided. Additionally, DPW Director Hazelton was requesting 24 inches of gravel with 4 to 6 inches of loam, seed and mulch over because of the extremely sandy soil and the weight of the fire apparatus.

This issue was discussed at some length. Charlie King felt the DPW's request was excessive stating that State standards at maximum are 12 to 18 inches. Chairman Parker said the recommendation is because of the heavily sandy soil but Charlie King said this would not be a traveled way. The Planner said it is not a requirement but reminded the Board that in another industrial park, paving was required while in this instance 24 inches of gravel is suggested.

Cindy Snowdon commented that it all comes down to the dollar figure and what is necessary. She said everyone wants nice things, but in this instance it is expensive and going too far.

David Kestner asked what price is being put on a life and said the area under discussion was so sandy he wouldn't drive his pick up on it when he visited the site.

Charlie King said he spoke with the Fire Chief and 360 degree access was a recommendation not a requirement. The Planner said that during TRC the Fire Chief expressed concern about the type of materials used and combustibility. Sawdust could spontaneously combust and there are chemicals used for finishing. It was noted that this is also a wood frame building. The applicant was requested to furnish a layout depicting the storage area for raw materials, the electrical panel and the hazardous materials cabinet.

When asked about a sprinkler system, the applicant said that was not financially possible. The requirement for a sprinkler system is not up to the Planning Board, the Fire Marshall makes that decision. One member stated

that the fire personnel could just drag the hoses around the building and providing access to the rear was excessive.

Mr. Berry said he had with him tonight the drainage analysis for the rain garden as requested. Chairman Parker asked if peer review should be done. Planner Menici said that in accordance with Paragraph 2 of Section 1.07 lot coverage of not more than 35 percent is allowed. However, the Board can increase that ratio up to 60 percent provided “engineering designs and drainage calculations provide for sufficient treatment and recharge to render the post-development condition of the site to be the same as, or better than, the existing conditions of the site.” The Planner said that determination can only be made with peer review.

Chris Berry spoke to the drainage specifics but Chairman Parker said although he did not disagree, he would like peer review adding he liked the use of the rain garden. David Kestner said he also was impressed with using the rain garden. He did however have concerns about snow storage so close to the aquifer and felt it should be delineated clearly because salt could work into the wetlands. Charlie King said a brine solution could be used and that would cut down on the amount of salt used.

Charles Doke motioned to extend the meeting 15 minutes to 9:15 pm; 2nd Cindy Snowdon. Motion carried with all in favor.

The Planner said sand was also a significant issue because it could impact the functioning of the drainage system by choking out vegetation. Mr. Berry agreed that transient sand is always an issue and that it can be taken care of with spring cleanup. He suggested adding a note to the plans.

The applicant said he had never done a project this large and this move would be make or break for him. He said the bank was getting cold feet and asked how soon he could expect approval.

Charlie King suggested that peer review could be made a condition of approval. Chairman Parker said the Board was not ready to make a decision tonight but the application could be continued to June 5th. Mr. King disagreed stating that approval conditional upon peer review could be given tonight.

Planner Menici reminded the Board that they had not yet accepted the application as complete.

Paul Parker motioned to extend the meeting to 10:00 pm; 2nd Charlie King. Motion carried with all in favor. Planner Menici said the Board should act on the waiver request for parking and went over some of the conditions for approval. The applicant stated that he would not be installing any signage.

Charlie King motioned to grant the waiver request for parking contingent upon a designated area on the plan for at least 10 parking spaces to be reserved for future parking use as needed; 2nd Glen Demers. Motion carried with all in favor.

It was noted that no general appearance was depicted on the plan. Planner Menici said a narrative should be supplied as a condition of approval.

Charlie King motioned to grant the waiver request for general appearance of the building; 2nd Glen Demers. Motion carried with all in favor.

Planner Menici suggested that although the applicant did not anticipate any signage at this point it would make sense to identify an area to place a sign in the future otherwise the applicant would have to come back before the Board for amendment.

Charlie King motioned to accept the application as substantially complete; 2nd Charles Doke. Motion carried with all in favor.

Chairman Parker opened the hearing for public comment.

The contractor, Dan Ayer, spoke about how important approval tonight was to the applicant and that the expansion would be beneficial to the Town. He said he had faith that Chris Berry could cover all the Board's concerns.

Chairman Parker said there was no question about the benefit to the Town. However, he said the Board was being pressured into making a decision before time and now that the application had been accepted as complete, the hearing should be continued to the June 5th workshop meeting.

Charlie King felt that the Board should stay for another 35 minutes to work on this. He suggested the applicant work with Fire and Public Works to resolve those issues. Mr. Berry felt that was up to the Board.

Further discussion resulted in agreement for both the roadway and parking gravel sub base and for the fire apparatus access. It was agreed to designate a travel way for the fire equipment to get from the street to the building and to identify the fire access area with markers as it would be loaded. It was requested that the septic be moved out of the future proposed parking area as it was not yet State approved.

In order to allow for peer review of the drainage plan, it was agreed to make lot coverage not to exceed 45 percent. If the estimate for the peer review is not agreed to by the applicant, he will have to come back before the Board on June 5th. In order to cover this possibility without the need to renote abutters, Planner Menici suggested the hearing be continued to June 5th for final approval.

Charlie King motioned to conditionally approve the Application for Amended Site Plan Approval by Winnisquam Woodworking for property owned by Stickney Granite LLC (Tax Map R32, Lot 22-6) for property located at 33 Sarah Greenfield Way in the Industrial Business Zoning District to allow the construction of a second building with related utilities and a reduced parking requirement. The proposed structure will be 7,800 sq. ft. and will be utilized for full service countertop fabrication with the following conditions:

- 1. lot coverage not to exceed 45 percent contingent upon peer review by the Town Engineer to confirm that in accordance with Section 1.07 Paragraph 2: "engineering designs and drainage calculations provides for sufficient treatment and recharge to render the post-development condition of the site to be the same as, or better than, the existing conditions of the site.";***
- 2. for roadway/parking gravel sub base eighteen (18) inches of gravel (12" of 1 ½" crushed gravel covered by 6" of ¾" crushed gravel compacted to 95% of its dry density)***
- 3. for fire apparatus access eighteen (18) inches of gravel (12" of 1 ½" crushed gravel covered by 6" of ¾" crushed gravel compacted to 95% of its dry density) with turf supplemented with a geogrid material (which should be specified by a geotechnical engineer) for heavy truck traffic and/or vehicular traffic.***
- 4. designate on plans the 10 space parking area for future development;***
- 5. location of business signage noted on plan***

6. *applicant to furnish internal layout of proposed building depicting the electrical panel, raw material storage area, and hazardous material locker with types of chemicals noted;*
7. *general appearance criteria added to plan to show vinyl siding in an earth tone;*
8. *annual inspection by fire personnel;*
9. *lighting plan to be approved by Planning Staff;*
10. *all conditions on the September 16, 2003 Notice of Decision are incorporated by reference into this Amended Site Plan Approval.*
11. *all applicable local, state and federal regulations must be met.*

2nd Charles Doke. Motion carried with all in favor.

A second motion was made to address final approval:

Charlie King motioned to continue the application to the June 5, 2012 Planning Board Meeting in order to insure that all conditions of approval are satisfied and to allow the Board an opportunity to deal with any conditions that have not been met; 2nd Charlie Doke. Motion carried with all in favor.

- **Any other business to come before the Board continued**

In order to answer Chairman Parker's question regarding June 1st being established as the date that lots could be offered for sale in the Richard's Way development, Mrs. Gallagher read the motion from the April 17th minutes that stated in part: "...*No lots will be transferred until Phase 1 is approved and signed off by the Board*".

At 9:55 pm Charlie King motioned to adjourn; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker